Richard Hindmarſh,
And *Margaret*, his Wife, } Appellants.

Mary Everard, Widow,
And *Mary Everard* an Infant, her Daughter, } Reſpondents.

The Reſpondents CASE.

7 *June*, 1689. GEORGE *Collingwood* Eſq; (intending a ſmall Proviſion for the Reſpondents, and to keep them from Starving,) by his Will gave the Reſpondent, *Mary* the Mother, an Annuity of 20 *l. per annum* for her Life, and to the Reſpondent, the Daughter, 30 *l. per annum*, until her Age of 21 Years, and charged all his Eſtate, (being of a great Value) and which is now come to the Appellant, *Margaret* his Siſter, with the Payment of the ſame, and died in *November* 1691.

November, 1691.

That the Reſpondents, after his Death could not get one Penny of their Annuities, and were reduced to great Neceſſities, and forced to lie upon the bare Boards.

Hill. Term, 1694. The Reſpondents, *in forma pauperis*, brought their Bill in the *Exchequer* againſt the Appellants for the Arrears of their Annuities, and to have the ſame paid for the future; but the Appellants ſo delayed the Cauſe, that it was ſix Years before the ſame was brought to hearing, and in all this time obtained only 50 *l.* upon Security, by Order of the Court.

27 *June*, 1700. The Cauſe was heard, and an Account directed to be taken what was due to the Reſpondents for the Arrears of their Annuities, and that the ſame ſhould be paid out of Mr. *Collingwood*'s Eſtate, which was all declared ſubject and liable to the ſame.

After this the Reſpondents not being able to get the Appellants to attend the Accounts;

15 *November*, 1700. The Court odered the Officer to proceed *ex parte* in the Account, if the Appellants did not attend in a Week.

25 *November*, 1700. The Appellants obtained a Commiſſion to examine Witneſſes retornable the then next Term.

Hill. Term. and Vacation. Both ſides attended ſeveral days, and the Account was taken, and a Copy of the intended Report given by the Officer.

7 *July*, 1701. The Officer reported due to the Reſpondents for nine Years and an half Annuity (50 *l.* being paid and deducted) 425 *l.* That the Debts and Incumbrances upon Mr. *Collingwood*'s Eſtate came to 1965 *l.* And that his Eſtate was of the Value of 4525 *l.*

14 *July*, 1701. The Cauſe ſtanding to be heard upon the Report, the Appellants deſired to put off the ſame till *Michaelmas* Term, and the Court ordered the ſame, upon Payment of 50 *l.* in part of the ſaid Arrears of the Annuities, but no Money was paid.

27 *October*, 1701. The Cauſe came to be heard, and the 425 *l.* decreed to be paid, unleſs the Appellants ſhould ſhew Cauſe to the contrary in a fortnight.

10 *November*, 1701. The Decree made abſolute, and the Appellants not paying the Money, Attachments, Proclamations, and Commiſſions of Rebellion were ſucceſſively awarded againſt them.

23 *January*. The Appellants moved for a Rehearing, whereupon the Deputy or proper Officer was ordered to ſtate the Proceedings in the Cauſe, who made his Report, containing all the Proceedings aforeſaid.

18 *May*, 1702. Appellants again moved for a Rehearing, and by Conſent of all Parties the Appellants were to pay 105 *l.* and bring 100 *l.* into Court by the next Term, and then to have Liberty to except to the Report. But notwithſtanding their Conſent, no Money was paid or brought into Court.

21 *May*. The Appellants moved for a Commiſſion to examine Witneſſes to prove a pretended Debt, and 'twas granted, upon Payment of 20 *l.* down, in part of the 105 *l.* but no Money was paid.

And now after all theſe Delays and Proceedings, and not one Penny of the Arrears, or growing Annuities paid, but the Reſpondents reduced to the utmoſt Neceſſity for want of the ſame; an Appeal is brought (as is conceived) only for Delay, and to put farther Difficulties upon the Reſpondents, who are in forma pauperis, *and have not one Penny of Money to help them:*

Wherefore it is humbly hoped the Appeal ſhall be diſmiſt with Exemplary Coſts in this Caſe.

Samuel Dodd.